



DATE: June 3, 2015
AGENDA ITEM # 3

TO: Design Review Commission
FROM: Sean K. Gallegos, Assistant Planner
SUBJECT: 15-V-03 – 215 Live Oak Lane

RECOMMENDATION:

Deny variance application 15-V-03 subject to the listed findings

PROJECT DESCRIPTION

This project is a variance to allow a rear yard setback of 14.5 feet where 21.4 feet is required for a new one-story structure. The project includes a new one-story house that is 4,660 square feet in size. The following table summarizes the project's technical details:

GENERAL PLAN DESIGNATION: Single-Family, Residential
ZONING: R1-10
PARCEL SIZE: 19,110 square feet
MATERIALS: Cement plaster, stone veneer, wood trim and shutters, composition shingle roof and standing seam metal roof.

	Existing	Proposed	Allowed/Required
COVERAGE:	4,329 square feet	5,176 square feet	6,889 square feet
FLOOR AREA:	4,038 square feet	4,660 square feet	4,661 square feet
SETBACKS:			
Front	20 feet	25 feet	25 feet
Rear	13 feet	14 feet	21.4 feet
Right side	10 feet	11 feet	10 feet
Left side	36 feet	47 feet	10 feet
HEIGHT:	18 feet	20 feet	20 feet

BACKGROUND

The subject property is located on Live Oak Lane, which is a curvilinear street that ends in a cul-de-sac. Due to the shape of the street, many of the properties in this neighborhood are irregularly shaped and it appears that some of these properties have garages with reduced front yard setbacks.

This residence was originally built in 1954, subsequently, its detached garage was converted to habitable area. In 1966, a carport was added to the northern side of the house, which was converted to additional living space at a later unknown date. In 1986, a building permit was issued for a new carport in the rear of the property. In December 1992, a variance was approved to convert the existing carport into a standard garage with a side yard setback of 7.5 feet and a front yard setback of 20 feet, where 10 and 25 feet respectively, are required in the district.

DISCUSSION

Setbacks

For zoning purposes, the front is the west property line and the rear is the east property line. This determination was made by staff in recognition of existing development on the property.

The project plans show that a number of rear yard determinations have been made by prior staff (Sheets A1.0a to A1.0c). Subsequent to the determination of the triangular rear yard determination (Sheet A1.0c), the Municipal code was revised to clarify the rear yard definition for shallow lots. During initial consultation regarding the project, the applicant presented a hybrid determination with a 25-foot deep rear yard (Sheet A1.0b), which staff determined did not meet the Municipal Code definition for rear yards.

Rear Yard Setback Variance

To grant a variance, the Design Review Commission must find that the project is consistent with the zoning code objectives, that it is not injurious to persons or property and that there is a special circumstance related to the property, where the strict application of the Code deprives the property owner of development privileges enjoyed by other similar properties.

The applicant approached staff with a concept to construct a new one-story structure with a rear yard setback of 14.5 feet where 21.4 feet is required. The applicant notes that the property's shape combined with the setback requirements make it difficult to construct a conforming structure while preserve a functional rear yard space. The applicant's cover letter (Attachment B) provides additional information about the variance request.

Staff notes that the irregular lot shape is wide with a shallow depth and elongated and curving frontage regulates the placement of the structure within the required setbacks and the effective building envelope. The applicant is proposing to construct a house outside the required setbacks due to the building envelope constraints shown on sheet T4. However, the allowable floor area for the subject lot is 4,661 square feet where the building envelope is 8,790 square feet in size. After further discussion and considerations, staff cannot find that there is a special circumstance applicable to the property because there is a reasonable opportunity to comply with the required setbacks. The

required setbacks do not unduly constrain the project due to the building envelope being nearly two times the maximum floor area for the site.

CORRESPONDENCE

Staff received letters from residents at 195 Coronado Avenue, 205 Coronado Avenue, 215 Coronado Avenue, 205 Live Oak Lane, 235 Live Oak Lane and 244 Live Oak Lane who expressed support for the project and did not have concerns regarding the variance application.

ENVIRONMENTAL REVIEW

This project is categorically exempt from environmental review under Section 15301 of the Environmental Quality Act because it involves a single-family use in a residential zone.

ALTERNATIVES

The Commission could approve the variance application; staff would approve the project due to the design otherwise meeting the zoning regulations.

Procedurally, the Design Review Commission acts on the variance application, but not on one-story design review applications. If approved, then staff will administratively approve the design since it otherwise meets our design findings and Residential Design Guidelines.

PUBLIC CONTACT

This project was noticed to the 85 neighboring property owners in addition to an on-site posting.

Cc: Jon Daseking, Pacific Peninsular Architecture, Applicant
Shane Reilly and Michael McCarroll, Owners

Attachments

- A. Application
- B. Cover Letter
- C. Area and Vicinity Maps
- D. Correspondence from Neighbors
- E. Public Noticing and Notification Map

FINDINGS

15-V-03 – 215 Live Oak Lane

With regard to the variance to allow a rear yard setback of 14.5 feet where 21.4 feet is required, the Design Review Commission finds the following in accordance with Section 14.76.060 of the Municipal Code:

- a. That the granting of the variance is consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02;
- b. That the granting of the variance is not detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity; and
- c. That a special circumstance applicable to the property *does NOT* exist due to the irregular shape and functionally shallow depth of the subject property, and the strict application of the required rear yard setback *does NOT* deprives this property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications.



ATTACHMENT A

CITY OF LOS ALTOS GENERAL APPLICATION

Type of Review Requested: *(Check all boxes that apply)*

Permit # 1106639

<input checked="" type="checkbox"/>	One-Story Design Review	<input type="checkbox"/>	Sign Review	<input type="checkbox"/>	Multiple-Family Review
<input type="checkbox"/>	Two-Story Design Review	<input type="checkbox"/>	Sidewalk Display Permit	<input type="checkbox"/>	Rezoning
<input checked="" type="checkbox"/>	Variance(s)	<input type="checkbox"/>	Use Permit	<input type="checkbox"/>	R1-S Overlay
<input type="checkbox"/>	Lot Line Adjustment	<input type="checkbox"/>	Tenant Improvement	<input type="checkbox"/>	General Plan/Code Amendment
<input type="checkbox"/>	Tentative Map/Division of Land	<input type="checkbox"/>	Preliminary Project Review	<input type="checkbox"/>	Appeal
<input type="checkbox"/>	Subdivision Map Review	<input type="checkbox"/>	Commercial Design Review	<input type="checkbox"/>	Other:

Project Address/Location: 215 LIVE OAK LANE, LOS ALTOS, CALIFORNIA

Project Proposal/Use: SINGLE FAMILY RESIDENTIAL PROJECT

Current Use of Property: SINGLE FAMILY RESIDENTIAL

Assessor Parcel Number(s) 167-32-006 Site Area: 19,111 Sq.ft.

New Sq. Ft.: 4,660 Remodeled Sq. Ft.: 0 Existing Sq. Ft. to Remain: 0

Total Existing Sq. Ft.: 0 Total Proposed Sq. Ft. (including basement): 4,660

Applicant's Name: JON DASEKING- PACIFIC PENINSULA ARCHITECTURE, INC. jdaseking@pacificpeninsula.com

Home Telephone #: _____ Business Telephone #: (650) 323-7900

Mailing Address: 718 OAK GROVE AVENUE,

City/State/Zip Code: MENLO PARK, CA-94025

Property Owner's Name: SHANE REILLY & MICHAEL McCARROLL

Home Telephone #: (415) 254-1550 Business Telephone #: _____

Mailing Address: 215 LIVE OAK LANE,

City/State/Zip Code: LOS ALTOS, CA- 94022

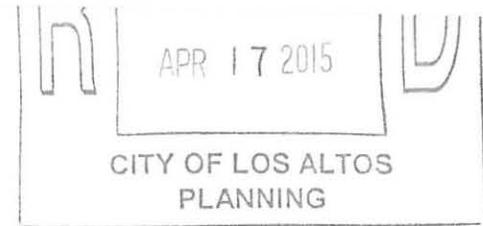
Architect/Designer's Name: JON W. DASEKING Telephone #: (650) 323-7900

*** If your project includes complete or partial demolition of an existing residence or commercial building, a demolition permit must be issued and finalized prior to obtaining your building permit. Please contact the Building Division for a demolition package. ***

(continued on back)



ATTACHMENT B



To: Los Altos Design Review Commission

April 17, 2015

Re: Reilly- McCarroll Residence
215 Live Oak Lane
Request for rear yard setback variance

Honorable Commissioners,

On behalf of Shane Reilly & Michael McCarroll, Pacific Peninsula Architecture would like the DRC to consider granting a variance to the required rear yard setback along a portion of the eastern property line for the attached garage and playroom wall.

Project Background

Michael McCarroll grew-up in the existing home on Live Oak Lane. Now that he and Shane are married, own the home and are raising their young family, they realize the home is not meeting their current or expected future needs. Shane and Michael desire to rebuild their home in a manner which will suit their evolving needs as well as take advantage of the available yard space and southern orientation on the lot. Given the unusual configuration of the existing home with its attached guest suite and detached garage as well as the condition of the existing home, a remodel was deemed to be not feasible. To complicate things, the lot is also constrained by a Single Story Overlay (SSO) which was imposed on the street years ago. Even though the heritage home on the street is two stores, the remaining homes on the street are one story. Any notion of a "conventional" two story home would necessitate over-riding the SSO which would be controversial and time consuming at best. The couple also considered building a smaller footprint home with some floor area allocated to a lower level (basement) area but that too was eliminated due to flow and cost considerations. Given these circumstances, we consider the request for variance to be a reasonable, logical request given the following background.

A Question of Setbacks

The necessity for a variance evolved over the course of three key conversations over three months with Planning Staff which each gave a different interpretation of the "correct" rear setback. PPA has supplied a graphic that depicts each of the interpretations.

A – The initial interpretation reflects the current as built conditions. The rear setback is specifically noted on the plat map in City records. The rear setback is based on a "plan line" from which the rear setback would be measured from. Most importantly, all the current structures on the property comply with this setback interpretation and it would be logical for this setback configuration to continue for any new structure. Most cities rely on historical/permitted interpretations for setbacks and if this were the case, the Reilly-McCarroll residence footprint would NOT necessitate a variance.

B – Subsequent to the initial conversation, PPA followed up with Staff on a site plan showing the design of the residence which was reviewed internally. At that time, a second interpretation of the rear setback was given in a follow-up conversation. This time the rear setback was to be 25' along the entire eastern property line which would partially locate the garage and playroom into the required setback. The topic of a variance was broached at that time. Given the unusual lot configuration, Staff indicated that they would most likely be receptive and supportive of a request for variance. Shane and Michael agreed to proceeding along this path and directed PPA to prepare the required drawings and application package for DRC review.

C – A third interpretation was given two weeks later as Staff convened with the Community Development Director and determined the correct rear setback was 25% of the lot depth as determined by connecting the mid-point of the front property line to the midpoint of the rear/eastern property line, taking that depth and multiplying by 0.25. The new setback was determined to be 21'-5" along the entire eastern property line. Staff also stated that they would NOT support a variance for the project as they could not make findings. PPA asked if the original setback interpretation in A could be used and was told that that interpretation was “defunct” and would not be allowed.

After further conversations with Staff, PPA and the Reilly-McCarroll's discussed the possibility of redesigning their house to the setback option B or C. Given the desire for a connected secure garage, all rooms on one level and a useable southern facing rear yard, a compliant house footprint would necessitate pushing the garage over 59' inboard of the northern side property line. The resulting effect would bifurcate the rear/side yards into two smaller spaces which do not meet the goals of the project.

The decision to pursue a variance was not taken lightly as we respect the intent of the zoning code. Regardless, we feel the lot has inherent characteristics that create a hardship specific to the property which will not allow the Reilly-McCarroll's to utilize their property in a manner consistent with other neighbors on Live Oak Lane as well as the immediate context.

Specific lot issues and constraints contributing to hardships for variance:

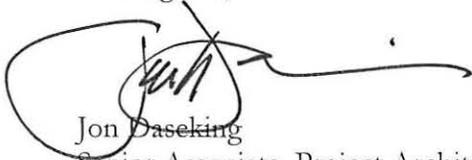
1. Lot frontage - elongated, meandering/curving street frontage of 159' where most lots on Live Oak Lane average 90-95' in frontage/lot width.
2. Shallow lot depth of 52' and 64' on the side legs/property lines where a typical lot is usually over 130-180' in depth on Live Oak Lane.
3. Unique lot shape – lot is five sided where all lots (except adjacent northern neighbor at 225 Live Oak Lane) and the vast majority of Los Altos are more conventional four sided.
4. Reduced building envelope area – overall building envelope (area you can build a main residence) is significantly reduced – a comparable rectangular lot down the street on Live Oak has a building area of 56% where our building area, given the setbacks and lot shape, is reduced to 45%. When you couple that percentage with portions of the lot that are in the buildable area but you cannot really build a structure on, the area reduces to under 43% of the lot area.
5. The Single Story Overlay (SSO) necessitates we build a one story home on the lot and by itself denies us some of the rights that our other Los Altos neighbors enjoy.

Other project and design issues to take into account:

1. A home with an attached garage will be consistent with all ten other homes on Live Oak Lane which will create a consistent streetscape.
2. The new design will remedy three areas of the current home that are non-conforming along the current required front setback. The detached garage which is also non-conforming but allowed by variance (1992) will be removed.
3. Given the garage and playroom are one story and there will be new screening installed along the rear property line with the 195 Coronado, there will be no privacy issues as well as little activity in this area.
4. We understand that variances do not set precedent, but we wanted to point-out that six variances have granted on Live Oak Lane over the course of development on the street. Of most interest are the three for the heritage house directly across the street and one for the northern neighbor for locating a pool in the front yard. Of special note is a recent variance granted by the DRC to the home directly behind the subject property at 195 Coronado. This variance allowed the homeowner to reduce the required front setback and extend their garage forward towards the property line/street.
5. The question of setback issue is central to our request. If the setbacks are interpreted as per option A, there would be no need for variance and the project would be consistent with its current as-built condition.

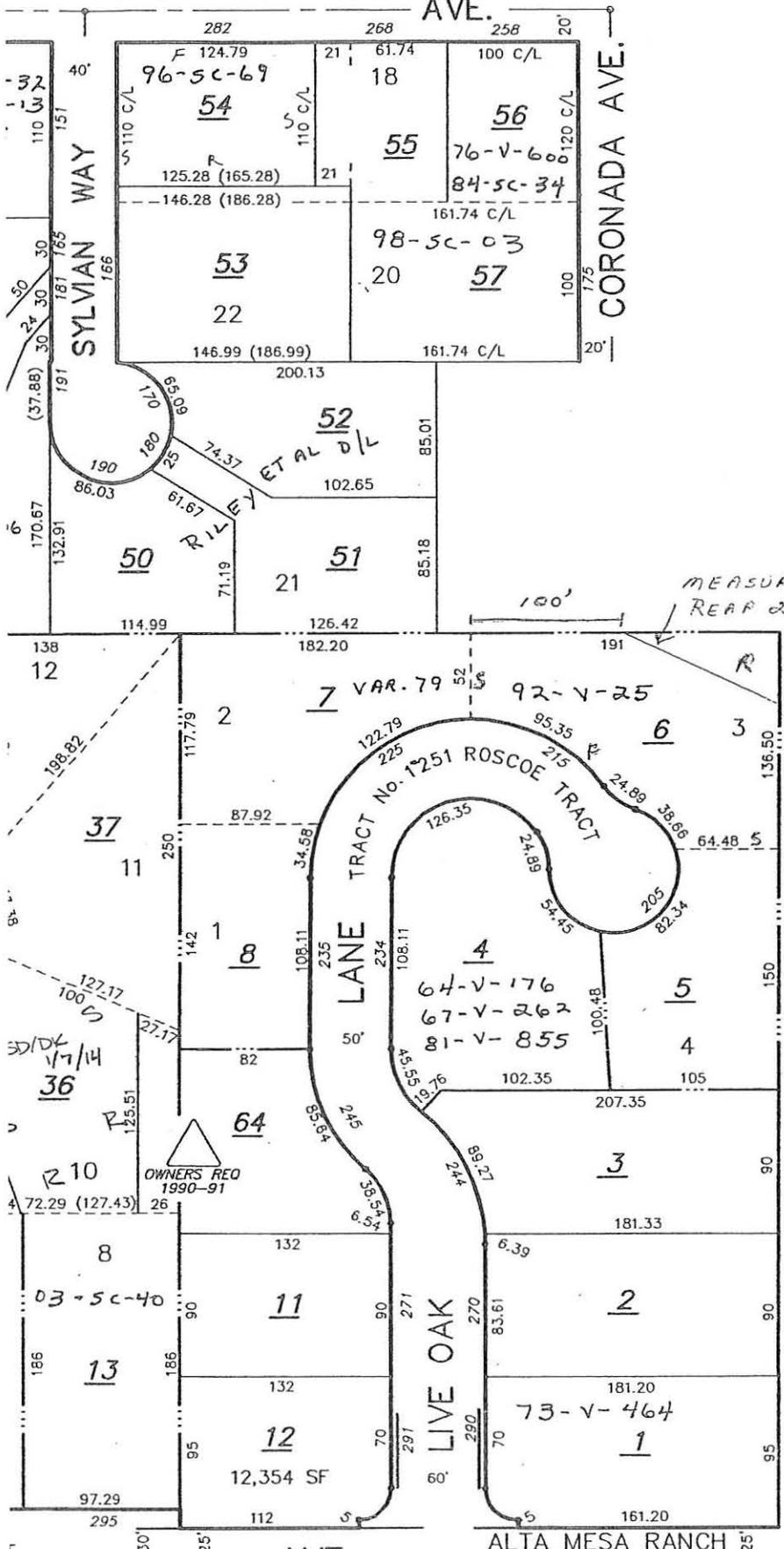
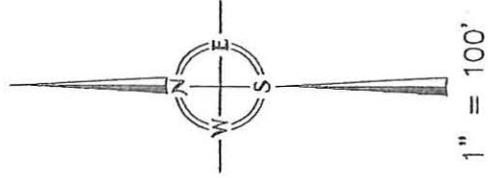
Given this background, we ask the DRC to make findings for our variance request. Thanks you in advance for your consideration.

Best regards,

A handwritten signature in black ink, appearing to read "Jon Daseking", with a large, sweeping flourish extending to the right.

Jon Daseking
Senior Associate, Project Architect
PPA, Inc.

cc: Shane Reilly & Michael McCarroll

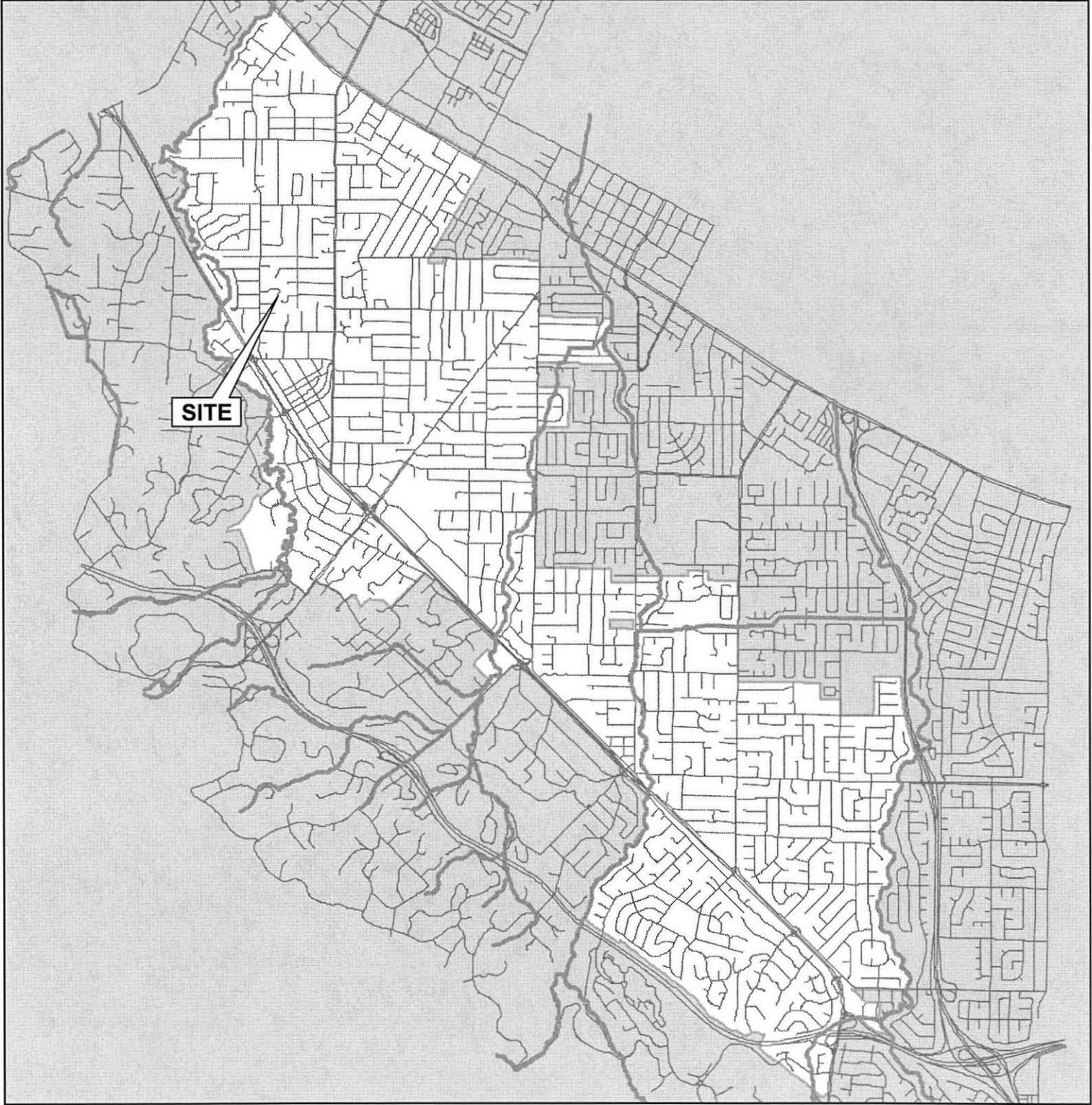


AVE.
R.O.S. 783/48

(35)

LAWRENCE E. STONE - ASSESSOR
Cadastral map for assessment purposes only.
Compiled under R. & T. Code, Sec. 327.
Effective Roll Year 2006-2007

AREA MAP



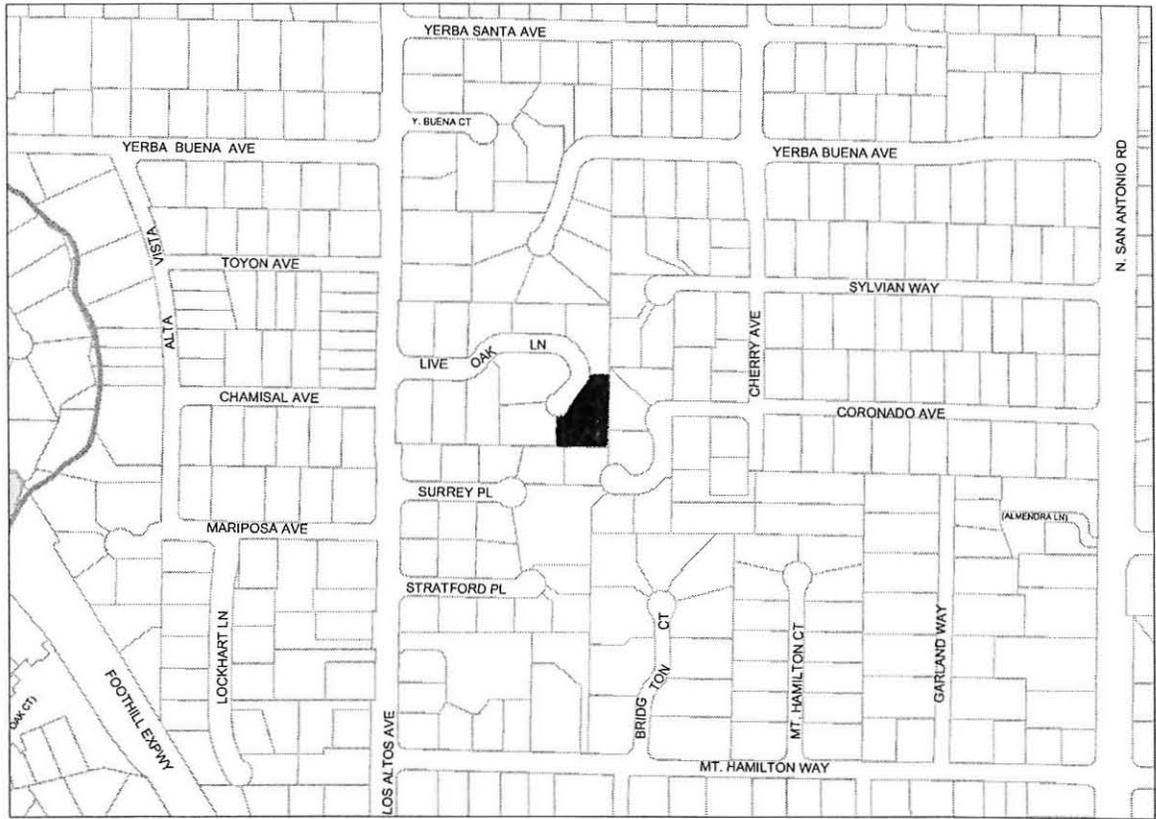
CITY OF LOS ALTOS

APPLICATION: 15-V-03
APPLICANT: Pacific Peninsula Architecture, Inc./ S. Reilly and M. McCarroll
SITE ADDRESS: 215 Live Oak Lane

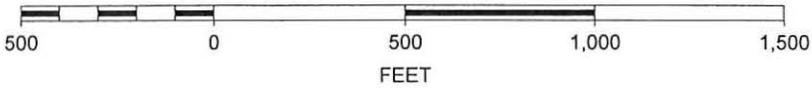


Not to Scale

VICINITY MAP



SCALE 1 : 6,000



CITY OF LOS ALTOS

APPLICATION: 15-V-03
APPLICANT: Pacific Peninsula Architecture, Inc./ S. Reilly and M. McCarroll
SITE ADDRESS: 215 Live Oak Lane

ATTACHMENT D

Nancy & Andrew Nichols
244 Live Oak Lane
Los Altos, CA 94022

March 31 2015

To: Los Altos Design Review Commission
Re: Reilly-McCarroll Residence
215 Live Oak Lane
Request for rear yard setback variance

Dear Commissioners

We have owned the property at 244 Live Oak Lane since 2003. We have reviewed the plans for construction of a new home at 215 Live Oak Lane (aka, The Reilly-McCarroll Residence) and understand our neighbors, Shane Reilly & Michael McCarroll, are seeking a rear yard setback variance. **We understand the challenges of the unusual shape lot and are in support of the project. We believe granting the rear yard setback variance will enhance the beauty of our street and that issuing the variance introduces neither privacy issues to us, nor visibility impacts to the street in general.**

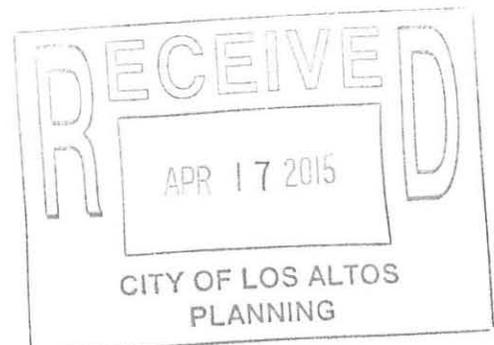
Nancy grew up on Live Oak Lane (since she was one year old) and graduated from Los Altos High School. We have raised our family on the street together since purchasing Nancy's parents' home in 2003. We have an appreciation for how special this street is in the town, and we have every interest in ensuring its future development retains the special character the street enjoys today.

Thank you for your considerations.

Best Regards,

Handwritten signatures of Nancy and Andrew Nichols. The signature on the left is 'Nancy' and the signature on the right is 'Andrew B Nichols'.

Nancy and Andrew Nichols



Barbara and Jack Tooley
215 Coronado
Los Altos, CA 94022

March 2015

To: Los Altos Design Review Commission
Re: Reilly-McCarroll Residence
215 Live Oak Lane
Request for rear yard setback variance

Dear Commissioners

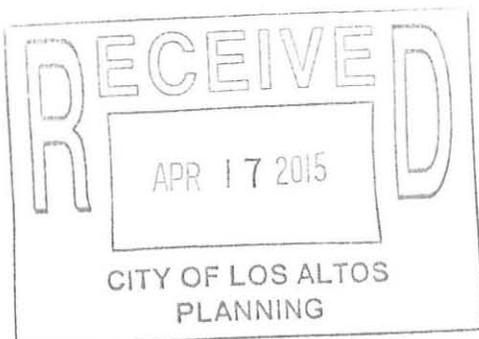
We have owned the property at 215 Coronado since 1984. We share an extended rear yard fence (which we rebuilt together last year) with the Reilly-McCarroll family at 215 Live Oak Lane, and have met them on several occasions to resolve some issues with trees on the property they purchased.

We have reviewed the plans for construction of a new home at 215 Live Oak Lane (aka, The Reilly-McCarroll Residence) and understand our neighbors are seeking a rear yard setback variance. **We understand the challenges of the unusual shape lot and are in support of the project. We believe granting the rear yard setback variance will enhance the beauty of their street, and that issuing the variance neither introduces privacy issues to us, nor visibility impacts to the street in general.**

Thank you for your considerations.

Best Regards,

Barbara Tooley
Jack Tooley
Barbara and Jack Tooley



Shane & Michael

*It's a pleasure
to support you
and your project.*



James D. Stephens & Susan L. Park
205 Live Oak Lane, Los Altos, CA 94022
Phone: 650 949-2709

March 25, 2015

To: Los Altos Design Review Commission
Re: Reilly-McCarroll Residence
215 Live Oak Lane
Request for rear yard setback variance

Dear Commissioners

We are writing a letter in regards to a proposed variance for the lot adjacent to ours.

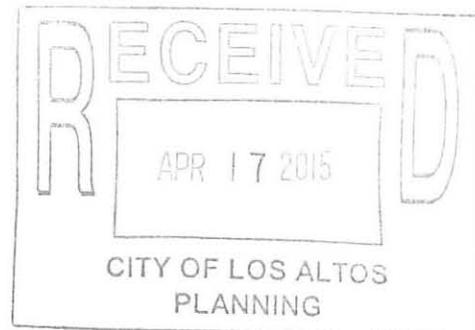
We have owned the property at 205 Live Oak Lane since 1992. We have reviewed the plans for construction of a new home at 215 Live Oak Lane (aka, The Reilly-McCarroll Residence) and understand our neighbors, Shane Reilly & Michael McCarroll, are seeking a rear yard setback variance. **We understand the challenges of the unusual shape lot and are in support of the project. We believe granting the rear yard setback variance will enhance the beauty of our street and that issuing the variance introduces neither privacy issues to us, nor visibility impacts to the street in general.**

Thank you for your considerations.

Best Regards,



Susie Park and Jim Stephens



Kathy Bridgman
205 Coronado
Los Altos, CA 94022

March 2015

To: Los Altos Design Review Commission
Re: Reilly-McCarroll Residence
215 Live Oak Lane
Request for rear yard setback variance

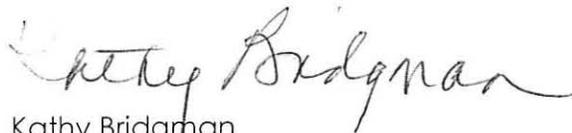
Dear Commissioners

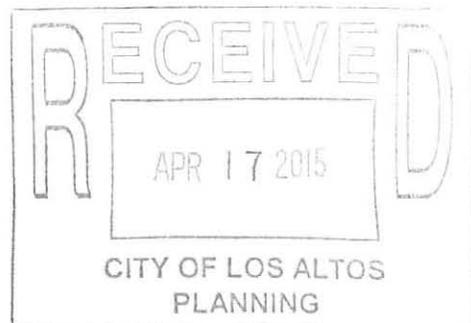
I have owned the property at 205 Coronado since 2004. I share an extended rear yard fence with the Reilly-McCarroll family at 215 Live Oak Lane, and have met them on several occasions.

Last week, I reviewed the plans for construction of a new home at 215 Live Oak Lane (aka, The Reilly-McCarroll Residence) and understand Shane and Michael are seeking a rear yard setback variance. **I understand the challenges of the unusual shape lot and are in support of the project. I believe granting the rear yard setback variance will enhance the beauty of their street, and that issuing the variance introduces neither privacy issues to me, nor visibility impacts to the street in general.**

Thank you for your considerations.

Best Regards,


Kathy Bridgman



Sanjay Kapoor
195 Coronado
Los Altos, CA 94022

March 2015

To: Los Altos Design Review Commission
Re: Reilly-McCarroll Residence
215 Live Oak Lane
Request for rear yard setback variance

Dear Commissioners

My home at 195 Coronado shares an extended rear property line with 215 Live Oak Lane (aka, the Reilly-McCarroll Residence).

I reviewed the plans for construction of a new home at 215 Live Oak Lane. Their primary design involves placing parts of an attached garage and homework room within the rear yard setback adjacent to my property. Their alternative design involves placing a stand-alone garage within 7.5 feet of my rear property line.

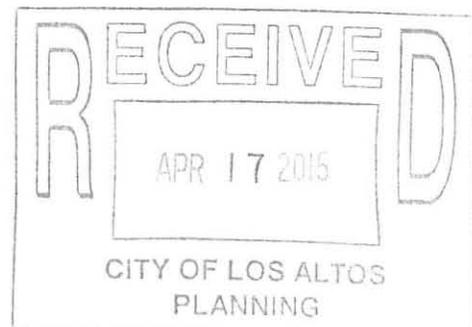
I understand the challenges of the unusual shape lot and am in support of the primary design. I believe granting the rear yard setback variance will enhance the beauty of their street, and that issuing the variance introduces neither privacy issues to me, nor visibility impacts to the street in general. Moreover, their primary design (with garage and homework room over the setback) is actually preferred to the alternative design of placing a stand-alone design closer to my home.

Thank you for your considerations.

Best Regards,



Sanjay Kapoor



Betsy & David Mease
235 Live Oak Lane
Los Altos, CA 94022

March 2015

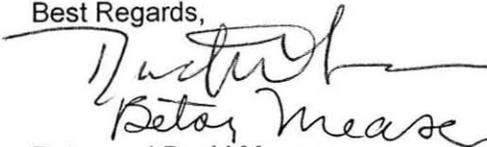
To: Los Altos Design Review Commission
Re: Reilly-McCarroll Residence
215 Live Oak Lane
Request for rear yard setback variance

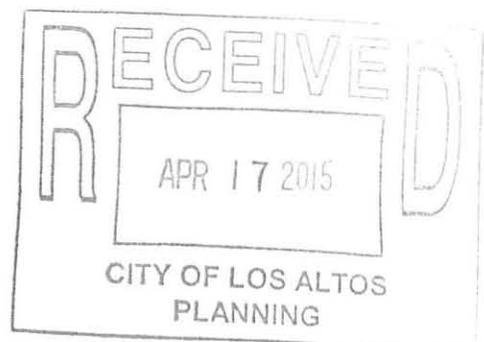
Dear Commissioners

We have owned the property at 235 Live Oak Lane since 1991. We have reviewed the plans for construction of a new home at 215 Live Oak Lane (aka, The Reilly-McCarroll Residence) and understand our neighbors, Shane Reilly & Michael McCarroll, are seeking a rear yard setback variance. **We understand the challenges of the unusual shape lot and are in support of the project. We believe granting the rear yard setback variance will enhance the beauty of our street and that issuing the variance introduces neither privacy issues to us, nor visibility impacts to the street in general.**

Thank you for your considerations.

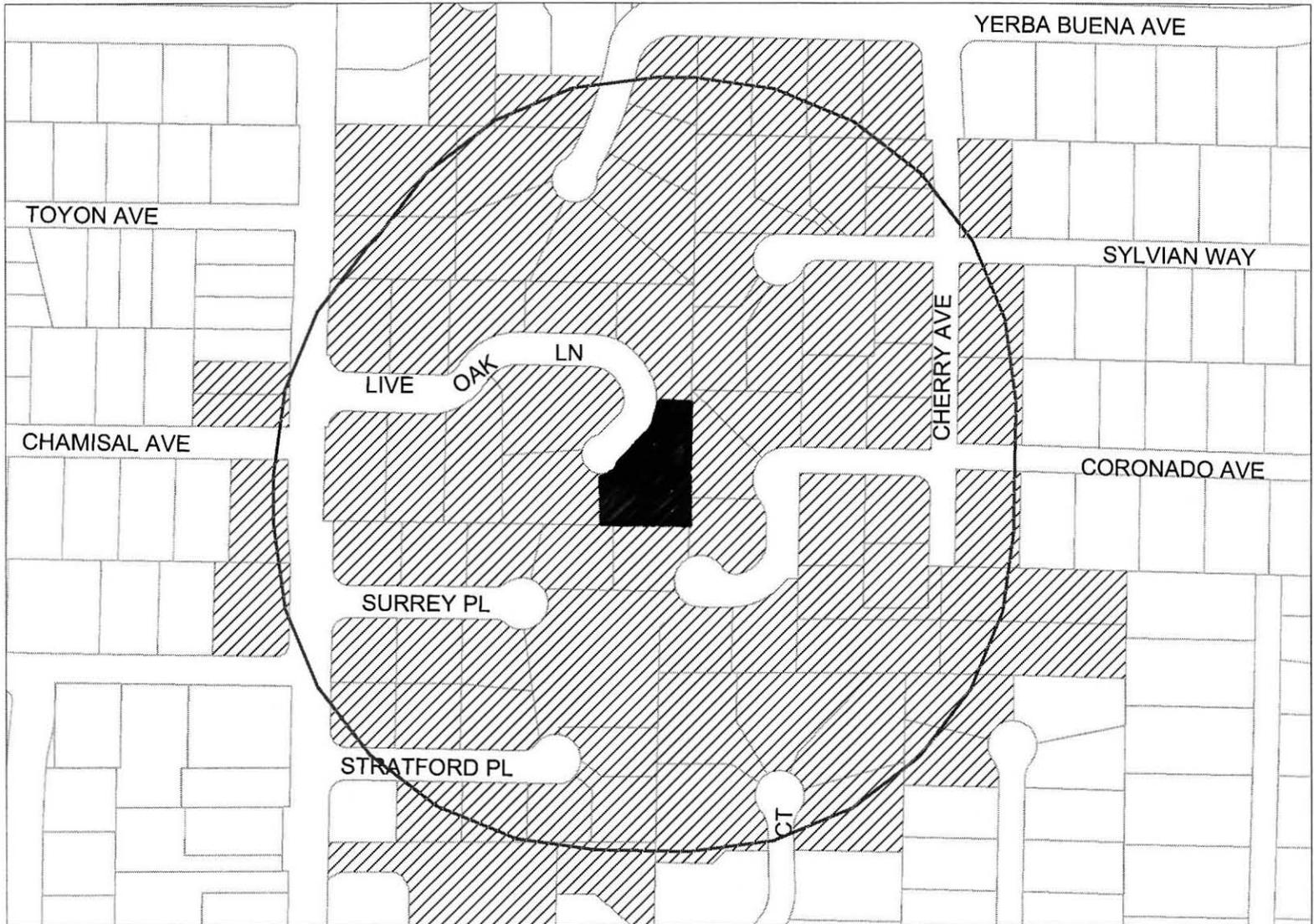
Best Regards,


Betsy Mease
Betsy and David Mease

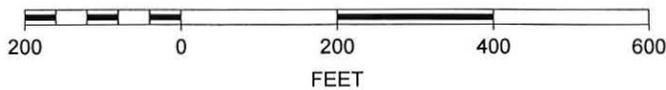


215 Live Oak Lane 500-foot Notification Map

ATTACHMENT E



SCALE 1 : 2,950



N

